

August 3, 2010

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

JOHN MOORE,

Plaintiff - Appellant,

v.

DR. SAM JAHANI,

Defendant - Appellee.

No. 10-1301  
(D.C. No. 1:10-CV-00428-ZLW)

**ORDER**

Before **TACHA, MURPHY, and O'BRIEN**, Circuit Judges.

On July 19, 2010, John Moore tendered a document to the U.S. District Court for the District of Colorado that stated, in full, as follows: "Dear Sir: This is a notice of appeal on case # 10CV00428."

Because of the filing of this document, a preliminary record was transmitted to this court from the district court and this appeal docket was opened. There are several problems with this attempted appeal, however. For example, the notice of appeal does not comply with the substantive content requirements of Fed. R. App. P. 3(c) nor the service requirements of Fed. R. App. P. 3(d).

But in any event, Mr. Moore has already unsuccessfully attempted to appeal the

final judgment in Case No. 10-CV-428, Moore v. Jahani (D. Colo.). This court dismissed that attempted appeal for lack of appellate jurisdiction. Moore v. Jahani, Case No. 10-1207 (10th Cir. May 26, 2010). To the extent Mr. Moore is attempting to appeal any other post-judgment order in the underlying proceeding, the notice of appeal is untimely. The notice of appeal was filed July 19, 2010, and there has been no activity in the district court proceeding since May 19, 2010. See Fed. R. App. P. 4(a)(1) (notice of appeal filing deadlines).

Mr. Moore was given the opportunity to show cause why the attempted appeal should not be dismissed. His response does not in any way address the jurisdictional issues that were fully brought to his attention in the court's show cause order.

This court construes a pro se litigant's pleadings liberally, but "an appellant's pro se status does not excuse the obligation of any litigant to comply with the fundamental requirements of the Federal Rules of Civil and Appellate Procedure." Ogden v. San Juan County, 32 F.3d 452, 455 (10th Cir. 1994).

To the extent Mr. Moore is attempting to re-litigate Moore v. Jahani, Case No. 10-1207 (10th Cir. May 26, 2010), the court's prior decision is the law of the case. See Proctor & Gamble Co. v. Haugen, 317 F.3d 1121, 1132-33 (10th Cir. 2003) (law of the case doctrine prevents re-litigation of issues decided in prior proceedings of the same case). To the extent he is trying to appeal any post-judgment order issued in the district court, the notice of appeal is untimely. The United States Supreme Court has held that in civil cases, the failure to file a timely notice of appeal deprives the circuit court of

appellate jurisdiction and the appeal must be dismissed. Bowles v. Russell, 551 U.S. 205 (2007).

For the foregoing reasons, this attempted appeal is dismissed.

Entered for the Court,  
ELISABETH A. SHUMAKER  
Clerk of Court

A handwritten signature in dark ink, appearing to read "Douglas E. Cressler", written over a horizontal line.

by:  
Douglas E. Cressler  
Chief Deputy Clerk